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November 26, 2023

**BY ECF**

Hon. Edgardo Ramos  
United States District Court Judge  
United States District Court Southern District of New York  
40 Foley Square, Courtroom 619  
New York, NY 10007

*Federal Trade Commission v. IQVIA Holdings Inc.*, No. 1:23-cv-06188-ER (S.D.N.Y.)

Dear Judge Ramos:

This firm represents non-party Veeva Systems, Inc. ("Veeva") in connection with the above-referenced matter. Pursuant to this Court's Rule of Individual Practice 3(ii), Paragraph 11 of the Amended Protective Order and Section I.f of the Court's Pre-Hearing Order,<sup>1</sup> Veeva respectfully submits this letter-motion seeking an Order granting *in camera* treatment for certain documents containing Veeva's Confidential Information

<sup>1</sup> *Federal Trade Commission v. IQVIA Holdings Inc.*, No. 1:23-cv-06188-ER, ECF No. 230 (S.D.N.Y. Nov. 16, 2023).

that the Federal Trade Commission (“FTC”) and/or IQVIA Holdings, Inc. (“IQVIA” and together with the FTC, the “Parties”) have informed Veeva they intend to introduce at trial (the “Hearing Exhibits”).<sup>2</sup> Veeva also requests that any trial testimony related to the Hearing Exhibits be granted *in camera* treatment pending further discussions between Veeva and the parties.

We understand that the FTC intends to call Mr. Asaf Evenhaim to testify at the hearing on November 27, 2023. Mr. Evenhaim is the CEO of Veeva Crossix, a unit of Veeva that competes with IQVIA in the audiences and measurement & optimization businesses. In anticipation of Mr. Evenhaim’s anticipated trial testimony, on November 25 and 26, 2023, the Parties informed Veeva of the documents the Parties intend to use at the hearing. Several of the documents contain highly confidential, commercially sensitive trade secret information, including about Veeva Crossix’s customers, products and business strategy (“Confidential Information”). On November 26, 2023, counsel for the Parties and Veeva met and conferred regarding appropriate steps to ensure the proper treatment of Veeva’s Confidential Information.

During the meet and confer, Veeva attempted to work with the Parties and proposed an approach to the treatment of Confidential Information that was exactly what the Parties afforded to non-party PulsePoint earlier in the proceeding.<sup>3</sup> While IQVIA does not dispute that Veeva’s documents are highly confidential, IQVIA has requested that its three in-house counsel be permitted to sit through the testimony relating to the Hearing Exhibits and/or Veeva’s Confidential Information (“Confidential Trial Testimony”).

Because non-party Veeva cannot know the nature of Mr. Evenhaim’s testimony before the hearing, the issues contain core competitively sensitive information that IQVIA could use to harm Veeva Crossix’s business. Veeva respectfully submits that no IQVIA personnel should be permitted to attend the Confidential Trial Testimony live. As such, Veeva has proposed the same framework agreed to by IQVIA for use in the testimony of non-party PulsePoint: that, if the Court is willing to allow Mr. Evenhaim to testify in a closed session, then within as short a time as is reasonably feasible after receiving transcripts of the Confidential Trial Testimony, Veeva will propose redactions to the Confidential Trial Testimony sufficient to protect Veeva’s Confidential Information expeditiously, then share with IQVIA’s in-house counsel. To the extent that the Parties disagree with those proposed redactions, after meeting and conferring in good faith, the Parties and/or Veeva may present any disputes to the Court as soon as reasonably practicable. Veeva would act expeditiously in recognition of the fast-moving nature of this matter. Indeed, to the extent convenient to the Court, Veeva would work with the

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<sup>2</sup> Appendix A to this letter identifies the documents and testimony transcripts to be treated *in camera*.

<sup>3</sup> See *Federal Trade Commission v. IQVIA Holdings Inc.*, No. 1:23-cv-06188-ER, ECF No. 242 (S.D.N.Y. Nov. 19, 2023).

Parties in good faith to present any disputes about the *in camera* treatment of Mr. Evenhaim's Confidential Trial Testimony no later than the morning of Wednesday, November 29 and any other trial testimony as soon as reasonably practicable in light of all the circumstances.

To be sure, it is possible that Mr. Evenhaim's trial testimony regarding Veeva's Confidential Information will not reveal or disclose any Veeva Confidential Information, but Veeva cannot know that in advance. Therefore, Veeva submits that the protocol proposed herein, which is exactly what IQVIA agreed to with PulsePoint, will afford Veeva and the Parties adequate time to address any confidentiality concerns arising from Mr. Evenhaim's trial testimony.

Accordingly, Veeva respectfully requests the Court grant its motion to provide *in camera* treatment to the Hearing Exhibits and Mr. Evenhaim's testimony featuring Veeva's Confidential Information. Veeva requests, to the extent these exhibits and testimony are discussed in court, that the Court seal the courtroom and any related trial testimony until such time as Veeva shall have had a reasonable opportunity to propose appropriate redactions to protect against the disclosure of Veeva's Confidential Information.

We appreciate the Court's consideration of this request.

Sincerely,

/s/ Joshua Soven

Joshua Soven

cc: All parties (by ECF)

**Appendix A**

<b>Exhibit No.</b>	<b>Title</b>
DX1993	Veeva Crossix Publisher Data Ingestion
PX4166 DX2020	TTD Org Structure & DIFA Impressions Deep Dive
DX2001	Commercial Operations
PX0515	Asaf Evenhaim IH Transcript
PX0576 DX0070	Asaf Evenhaim Deposition Transcript
DX2059	Email from A. Evenhaim to P. Gassner
DX2060	Veeva Crossix Q4'23 Market Summary